

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

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*(As read a first time)*

**BOUNTY (METAL WORKING MACHINES AND ROBOTS) BILL  
1985**

**TABLE OF PROVISIONS**

**PART I—PRELIMINARY**

Clause

1. Short title
2. Commencement
3. General administration of Act
4. Interpretation
5. Amendments of Tariff Act
6. Declarations relating to definitions
7. Declarations relating to specification, value or costs
8. Declarations of percentages
9. Industries Assistance Commission Act
10. Value added—manufacture
11. Value added—modification
12. Factory cost
13. Determination of factory cost, &c.
14. Accounting period
15. Uniformity

**PART II—BOUNTY**

16. Specification of bounty
17. Amount of bounty
18. Availability of bounty
19. Good quality of bountiable equipment

**PART III—PAYMENT OF BOUNTY**

20. Advances on account of bounty
21. Claims for payment of bounty

TABLE OF PROVISIONS—*continued*

## Clause

- 22. Variation of inadequate claims
- 23. Variation of excessive claims
- 24. Producers to furnish returns of costs
- 25. Adjustment of claims following returns
- 26. Other adjustments of claims
- 27. Recovery of repayments

## PART IV—ADMINISTRATION

- 28. Registration of premises
- 29. Accounts
- 30. Securities
- 31. Appointment of authorised officers
- 32. Stock-taking and inspection of production and accounts, &c.
- 33. Power to require persons to answer questions and produce documents
- 34. Power to examine on oath, &c.
- 35. Offences
- 36. Time for prosecutions
- 37. Recovery of bounty on conviction

## PART V—MISCELLANEOUS

- 38. Return for Parliament
- 39. Delegation
- 40. Application for review
- 41. Statement to accompany notice of decisions
- 42. Money to be appropriated
- 43. Transitional
- 44. Regulations

PART VI—AMENDMENT OF BOUNTY (METAL-WORKING MACHINE  
TOOLS) ACT 1978

- 45. Principal Act
- 46. Specification of bounty

1985

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA  
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Received from the Senate and read a first time, 10 October 1985

*(Minister representing the Minister for Industry, Technology and Commerce)*

**A BILL**

FOR

**An Act to provide for the payment of bounty on the production of certain metal working machines, certain robots and related equipment, and for related purposes**

BE IT ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

**PART I—PRELIMINARY**

**Short title**

5     **1.** This Act may be cited as the *Bounty (Metal Working Machines and Robots) Act 1985*.

**Commencement**

**2.** This Act shall be deemed to have come into operation on 1 July 1985.

0     **General administration of Act**

**3.** The Comptroller-General has the general administration of this Act.

**Interpretation**

- 4. (1)** In this Act, unless the contrary intention appears—
- “accounting period”, in relation to a producer, has the meaning given by section 14;
  - “advance” means an advance on account of bounty under section 20; 5
  - “approved form” means a form approved by the Comptroller-General in writing;
  - “authorised officer” means a person who is an authorised officer for the purposes of this Act by virtue of an appointment under section 31;
  - “bountiable computer controller” means a computer controller that— 10
    - (a) is designed for use solely or principally for the control of—
      - (i) a computer controlled machine;
      - (ii) a robotic machine; or
      - (iii) a flexible manufacturing system;
    - (b) if it were imported into Australia, would be goods to which item 90.28 in Schedule 3 to the Tariff Act would apply; and 15
    - (c) if it were imported into Australia and were goods to which section 19, but not sub-section 21 (4) or (6), of the Tariff Act applied, would be goods the duty of Customs in respect of which ascertained in accordance with Part II of the Tariff Act would be so ascertained by reference to a rate of duty that does not exceed 2%; 20
  - “bountiable equipment” means—
    - (a) bountiable equipment A; or
    - (b) bountiable equipment B; 25
  - “bountiable equipment A” means—
    - (a) bountiable equipment AA; or
    - (b) bountiable equipment AB;
  - “bountiable equipment AA” means— 30
    - (a) a computer controlled machine;
    - (b) a numerically controlled machine;
    - (c) bountiable goods AA;
    - (d) a robotic machine;
    - (e) goods designed for use solely or principally as a part, or an accessory, for a robotic machine; 35
    - (f) a flexible manufacturing system;
    - (g) a bountiable computer controller;
    - (h) a machine included in a class of machines in respect of which a declaration under sub-section 6 (1) is in force; or 40
    - (j) a part or component included in a class of parts or components in respect of which a declaration under sub-section 6 (2) is in force,

but does not include exempt goods;

“bountiable equipment AB” means—

- (a) an independent machine; or
- (b) bountiable goods AB;

5 “bountiable equipment B” means—

- (a) a computer controlled machine;
- (b) a numerically controlled machine;
- (c) a robotic machine;
- (d) an independent machine;
- (e) system equipment; or
- (f) a machine included in a class of machines in respect of which a declaration under sub-section 6 (3) is in force,

10 but does not include equipment (whether imported into Australia or otherwise) that has not been used in Australia in the commercial production of goods;

15 “bountiable goods AA” means goods that—

- (a) are designed for use solely or principally as a part for a computer controlled machine; and
- (b) if they were imported into Australia, would be goods to which item 84.50 or 85.11 in Schedule 3 to the Tariff Act would apply;

20 “bountiable goods AB” means goods that—

- (a) are designed for use solely or principally as a part, or an accessory, for—
  - 25 (i) a computer controlled machine;
  - (ii) a numerically controlled machine;
  - (iii) a robotic machine; or
  - (iv) an independent machine;
- (b) if they were imported into Australia, would be goods to which item 84.48 in Schedule 3 to the Tariff Act would apply; and
- (c) if they were imported into Australia and were goods to which section 19, but not sub-section 21 (4) or (6), of the Tariff Act applied, would be goods the duty of Customs in respect of which ascertained in accordance with Part II of the Tariff Act would be so ascertained by reference to a rate of duty that does not exceed 2%;

30 “bounty” means bounty under this Act;

40 “bounty period” means the period commencing on 1 July 1985 and ending on the terminating day;

“Collector” has the same meaning as in the *Customs Act 1901*;

“Comptroller-General” means the Comptroller-General of Customs;

“computer controlled machine” means a completely assembled power fed machine that—

- (a) is of a kind used for the working of metal;
- (b) is controlled by an integrated computer controller;
- (c) is designed to operate independently of human control when the computer controller that controls it is programmed; and 5
- (d) if it were imported into Australia, would be goods to which item 84.45, 84.50 or 85.11 in Schedule 3 to the Tariff Act would apply;

“computer controller” means a completely assembled unit that incorporates at least one electronic microcircuit, being a microcircuit that— 10

- (a) is part of the microcircuitry of the unit, being microcircuitry than enables the unit—
  - (i) to store and process, or manipulate, data; 15
  - (ii) when programmed, to automatically control the operation of a machine independently of human control;
  - (iii) to wholly or substantially control the operation and movement of a machine by the use of a numeric-servo closed loop; and 20
  - (iv) to be re-programmable in respect of the unit’s control of a machine; and
- (b) if it were imported into Australia, would be goods to which item 85.21 in Schedule 3 to the Tariff Act would apply; 25

“equipment” includes—

- (a) a machine;
- (b) a manufacturing system;
- (c) computer hardware; and
- (d) software; 30

“exempt goods” means goods that are—

- (a) an industrial electric furnace;
- (b) a laboratory electric furnace;
- (c) an oven;
- (d) induction or dielectric heating equipment; or 35
- (e) a part for goods referred to in paragraph (a), (b), (c) or (d),

being goods that, if they were imported into Australia, would be goods to which item 85.11 in Schedule 3 to the Tariff Act would apply; 40

“flexible manufacturing system” means a system that—

- (a) consists of power fed conveying and assembly equipment (which may be equipment that includes a robotic machine) controlled by an integrated computer controller; and

- (b) is designed to systematically transfer or arrange materials or components, being materials or components that consist wholly or mainly of metal, for continuous sequential processing by 2 or more system machines;

5 “independent machine” means a completely assembled power operated or power fed machine that—

- (a) is designed for use solely or principally for the working of metal; and

- (b) if it were imported into Australia, would be a machine to which item 84.45 in Schedule 3 to the Tariff Act would apply,

10 not being a computer controlled machine or a numerically controlled machine;

“machine work station” does not include—

- 15 (a) a computer controlled machine;
- (b) a numerically controlled machine; or
- (c) an independent machine;

“manufacturer”, in relation to bountiable equipment A, means—

- 20 (a) a person who, at premises registered under section 28 in the name of the person, carried out a substantial process or substantial processes in the manufacture of the equipment (whether as the intended supplier of the equipment, a contractor, a sub-contractor or otherwise), not being a person whose only contribution to the manufacture of the equipment was—

- (i) the carrying out of design, research or development;
- (ii) engaging in systems engineering;
- (iii) the provision of software; or
- 30 (iv) the development or testing of a prototype of the equipment; or

- (b) a person who engaged another manufacturer of the equipment for the carrying out at registered premises by the other manufacturer of a substantial process or substantial processes in the manufacture of the equipment;

35 “metal” means metal in its solid state;

“modification”, in relation to bountiable equipment B, means—

- 40 (a) a conversion of the equipment that, in the opinion of the Minister, will substantially increase the capacity and capability of the equipment; or
- (b) the conversion of the equipment from equipment that is not designed to form part of a flexible manufacturing system into equipment designed to form part of such a system,

but does not include—

- (c) the conversion of the equipment in the course of the normal manufacture of the equipment;
- (d) retrofit manufacture of, or involving, the equipment; or
- (e) in the case of equipment that is an independent machine— the conversion of the equipment otherwise than to a numerically controlled machine; 5

“modifier”, in relation to bountiable equipment B, means—

- (a) a person who, at premises registered under section 28 in the name of the person, carried out a substantial process or substantial processes in the modification of the equipment (whether as the intended supplier of the equipment when modified, a contractor, a sub-contractor or otherwise), not being a person whose only contribution to the modification of the equipment was— 10
  - (i) the carrying out of design, research or development;
  - (ii) engaging in systems engineering;
  - (iii) the provision of software; or
  - (iv) the development or testing of a prototype of the equipment; or 15
- (b) a person who engaged another modifier of the equipment for the carrying out at registered premises by the other modifier of a substantial process or substantial processes in the modification of the equipment; 20

“normal manufacture” means manufacture other than retrofit manufacture; 25

“numerically controlled machine” means a completely assembled power fed machine that—

- (a) is designed solely or principally for the working of metal;
- (b) is controlled by an integrated numerical controller; 30
- (c) is designed to operate independently of human control when the numerical controller that controls it is programmed; and
- (d) if it were imported into Australia, would be goods to which item 84.45 in Schedule 3 to the Tariff Act would apply;

“producer” means— 35

- (a) a manufacturer of bountiable equipment A; or
- (b) a modifier of bountiable equipment B;

“production service” includes—

- (a) the provision of, or a service relating to, software;
- (b) a service by way of design, system engineering, testing, research or development; 40
- (c) heat treatment; and
- (d) a service declared by the regulations to be a production service for the purposes of this Act;



“registered premises” means premises registered under section 28;

“retrofit manufacture” means—

- 5 (a) the manufacture of a computer controlled machine by the conversion into such a machine of a numerically controlled machine or of an independent machine; or
- 10 (b) the manufacture of bountiable equipment A included in a class of bountiable equipment A in respect of which a declaration under sub-section 6 (4) is in force by the conversion into such equipment of other equipment (whether or not bountiable equipment A);

“robotic machine” means a completely assembled power fed machine that—

- 15 (a) is controlled by an integrated computer controller;
- (b) consists of—
  - (i) a structure with mechanical linkages and joints capable of handling objects by simultaneous movements in 2 or more axes; or
  - (ii) a prescribed structure;
- 20 (c) is designed to operate independently of human control when the computer controller that controls it is programmed;
- (d) utilises—
  - (i) a system known as pick and place;
  - (ii) a system known as playback (point to point);
  - 25 (iii) a system known as playback (continuous path); or
  - (iv) a prescribed system; and
- (e) if it were imported into Australia, would be goods to which—
  - (i) an item in Chapter 84 or 85 in Schedule 3 to the Tariff Act; or
  - 30 (ii) an item in Schedule 3 to the Tariff Act determined by the Minister by instrument in writing, would apply,

not being—

- 35 (f) an automatic guided vehicle;
- (g) teleoperated equipment; or
- (h) a machine included in a class of machines in respect of which a declaration under sub-section 6 (5) is in force;

“system equipment” means—

- 40 (a) conveying equipment;
- (b) assembly equipment;
- (c) computer hardware; or
- (d) software;

“system machine” means—

- (a) a computer controlled machine;

- (b) a numerically controlled machine;
- (c) a robotic machine that is of a kind used for the working of metal;
- (d) an independent machine; or
- (e) a machine included in a class of machines in respect of which a declaration under sub-section 6 (6) is in force; 5

“Tariff Act” means the *Customs Tariff Act 1982*;

“terminating day” means 30 June 1991 or such later day, not being a day later than 30 June 1992, as is fixed by the Minister by notice published in the *Gazette* before 30 June 1991; 10

“variable definition” means a definition in this sub-section of—

- (a) a kind or class of equipment;
- (b) a kind or class of goods, including metal;
- (c) a kind of process; or
- (d) a person who carries out a kind of process; 15

“variable provision” means sub-section 4 (6), 4 (7), 10 (1) or 11 (1) or section 12 or 16.

(2) A reference in this Act to the production of bountiable equipment shall be read as a reference to the manufacture of bountiable equipment A or the modification of bountiable equipment B. 20

(3) Where a declaration under sub-section 6 (7) in respect of a variable definition is in force, this Act has effect as if there were substituted for that definition the definition set out in the notice containing the declaration.

(4) Where a declaration under sub-section 7 (1) in respect of a variable provision, or part of a variable provision, is in force, this Act has effect as if there were substituted for that provision, or that part of a provision, as the case may be, the provision, or part of a provision, as the case may be, set out in the notice containing the declaration. 25

(5) Where the Tariff Act is proposed to be altered by a Customs Tariff alteration proposed in the Parliament in such a way that Schedule 3 to that Act would be amended, or would be deemed to have been amended, on a particular day, that Act shall, for the purposes of this Act, be deemed to have been so amended on that day. 30

(6) For the purposes of this Act, the following shall be taken to form part of a flexible manufacturing system: 35

- (a) computer hardware, and software, used in the computer controller that controls the conveying and assembly equipment that forms part of the system;
- (b) a machine work station associated with the system. 40

(7) For the purposes of this Act, where—

- (a) the manufacture of bountiable equipment A has been completed except for the connection of 2 or more components of the equipment;

(b) the manufacture of each of those components was completed at registered premises; and

(c) a manufacturer of the equipment intends to connect those components at a place other than registered premises,

5 the manufacture of the equipment shall be deemed to have been completed on the last day on which the manufacture of a component of the equipment was completed.

(8) For the purposes of this Act, where—

10 (a) the modification of bountiable equipment B has been completed except for the connection of 2 or more components of the equipment;

(b) the modification of each of those components that was modified was completed at registered premises; and

(c) a modifier of the equipment intends to connect those components at a place other than registered premises,

15 the modification of the equipment shall be deemed to have been completed on the last day on which the modification of a component of the equipment was completed.

(9) For the purposes of this Act, the following shall not be taken to be a process in the modification of bountiable equipment B:

20 (a) the re-conditioning or repair of used parts or materials;

(b) the supply of tooling.

(10) For the purposes of this Act, 2 persons shall be deemed to be associates of each other if, and only if—

(a) both being natural persons—

25 (i) they are connected by a blood relationship or by marriage or by adoption; or

(ii) one of them is an officer or director of a body corporate controlled, directly or indirectly, by the other;

(b) both being bodies corporate—

30 (i) both of them are controlled, directly or indirectly, by a third person (whether or not a body corporate);

(ii) both of them together control, directly or indirectly, a third body corporate; or

35 (iii) the same person (whether or not a body corporate) is in a position to cast, or control the casting of, 5% or more of the maximum number of votes that might be cast at a general meeting of each of them;

(c) one of them, being a body corporate, is, directly or indirectly, controlled by the other (whether or not a body corporate);

40 (d) one of them, being a natural person, is an employee, officer or director of the other (whether or not a body corporate);

(e) they are members of the same partnership; or

- (f) they are trustees or beneficiaries, or one of them is a trustee and the other is a beneficiary, of the same trust.

**Amendments of Tariff Act**

**5. (1) Where—**

- (a) the Tariff Act is amended on a day; and 5
- (b) the amendment results in goods of a particular kind ceasing to be bountiable equipment A,

the manufacture of goods of that kind the manufacture of which was commenced before and completed after that day shall, for the purposes of this Act, be deemed to have been completed on the day immediately preceding that day. 10

**(2) Where—**

- (a) the Tariff Act is amended on a day (in this sub-section referred to as the “operative day”);
- (b) the amendment results in goods of a particular kind ceasing to be bountiable equipment A; and 15
- (c) the operative day is earlier than—

- (i) the day (if any) on which notice of intention to propose a Customs Tariff alteration by way of that amendment was published in the *Gazette* in accordance with section 273EA of the *Customs Act 1901*; 20
- (ii) the day (if any) on which a Customs Tariff alteration by way of that amendment was proposed in the Parliament; or
- (iii) the day on which the Bill for the Act making that amendment was introduced into the Parliament, 25

whichever occurred first,

the manufacture of goods of that kind the manufacture of which was—

- (d) completed after the operative day and before the day referred to in sub-paragraph (c) (i), (ii) or (iii) that occurred first; or
- (e) commenced, and undertaken in pursuance of a firm order placed before, and completed after, the last-mentioned day, 30

shall, for the purposes of this Act, be deemed to have been completed on the day immediately preceding the operative day.

**(3)** For the purposes of sub-sections (1) and (2), the manufacture of goods shall not be taken to have commenced unless and until a process in the manufacture of the goods has been commenced at registered premises. 35

**(4) Where—**

- (a) the Tariff Act is amended on a day; and
- (b) the amendment results in goods of a particular kind ceasing to be bountiable equipment B, 40

the modification of goods of that kind the modification of which was commenced before and completed after that day shall, for the purposes of

this Act, be deemed to have been completed on the day immediately preceding that day.

(5) Where—

5 (a) the Tariff Act is amended on a day (in this sub-section referred to as the “operative day”);

(b) the amendment results in goods of a particular kind ceasing to be bountiable equipment B; and

(c) the operative day is earlier than—

10 (i) the day (if any) on which notice of intention to propose a Customs Tariff alteration by way of that amendment was published in the *Gazette* in accordance with section 273EA of the *Customs Act 1901*;

(ii) the day (if any) on which a Customs Tariff alteration by way of that amendment was proposed in the Parliament; or

15 (iii) the day on which the Bill for the Act making that amendment was introduced into the Parliament,

whichever occurred first,

the modification of goods of that kind the modification of which was—

20 (d) completed after the operative day and before the day referred to in sub-paragraph (c) (i), (ii) or (iii) that occurred first; or

(e) commenced and undertaken in pursuance of a firm order placed before, and completed after, the last-mentioned day,

shall, for the purposes of this Act, be deemed to have been completed on the day immediately preceding the operative day.

25 (6) For the purposes of this section, the modification of goods shall not be taken to have commenced unless and until a process in the modification of the goods has been commenced at registered premises.

#### **Declarations relating to definitions**

30 6. (1) The Minister may, by notice in writing published in the *Gazette*, declare a class of machines to be a class of machines to which paragraph (h) of the definition of “bountiable equipment AA” in sub-section 4 (1) applies.

35 (2) The Minister may, by notice in writing published in the *Gazette*, declare a class of parts or components for bountiable equipment AA or bountiable equipment AB to be a class of parts or components to which paragraph (j) of the definition of “bountiable equipment AA” in sub-section 4 (1) applies.

40 (3) The Minister may, by notice in writing published in the *Gazette*, declare a class of machines to be a class of machines to which paragraph (f) of the definition of “bountiable equipment B” in sub-section 4 (1) applies.

- (4) The Minister may, by notice in writing published in the *Gazette*, declare a class of bountiable equipment to be a class of bountiable equipment to which paragraph (b) of the definition of “retrofit manufacture” in sub-section 4 (1) applies.
- (5) The Minister may, by notice in writing published in the *Gazette*, declare a class of machines to be a class of machines to which paragraph (h) of the definition of “robotic machine” in sub-section 4 (1) applies. 5
- (6) The Minister may, by notice in writing published in the *Gazette*, declare a class of machines to be a class of machines to which paragraph (e) of the definition of “system machine” in sub-section 4 (1) applies. 10
- (7) The Minister may, by notice in writing published in the *Gazette*, declare that this Act is to have effect as if there were substituted for a specified variable definition a definition set out in the notice.
- (8) The Minister may, by notice in writing published in the *Gazette*, revoke or amend a declaration in force under sub-section (1), (2), (3), (4), (5), (6) or (7). 15
- (9) A declaration under sub-section (1), (2), (3), (4), (5), (6) or (7) or the revocation or amendment of such a declaration has effect from and including such day (which, except in the case of a revocation or amendment that has the result that goods of a kind cease to be bountiable equipment, may be a day earlier than the publication in the *Gazette* of the notice containing the declaration, revocation or amendment) as is specified in the notice. 20
- (10) Where, by virtue of the revocation or amendment of a declaration under sub-section (1), (2), (3), (4), (5), (6) or (7), goods of a kind cease to be bountiable equipment A on a day, the manufacture of goods of that kind the manufacture of which was commenced before and completed after that day shall, for the purposes of this Act, be deemed to have been completed on the day immediately preceding that day. 25
- (11) Where, by virtue of the revocation or amendment of a declaration under sub-section (1), (2), (3), (4), (5), (6) or (7), goods of a kind cease to be bountiable equipment B on a day, the modification of goods of that kind the modification of which was commenced before and completed after that day shall, for the purposes of this Act, be deemed to have been completed on the day immediately preceding that day. 30 35
- (12) The provisions of sections 48 (other than paragraphs (1) (a) and (b) and sub-section (2)), 49, 49A and 50 of the *Acts Interpretation Act 1901* apply in relation to notices under this section as if in those provisions references to regulations were references to notices, references to a regulation were references to a notice and references to a repeal were a reference to a revocation. 40
- (13) For the purposes of this section, the manufacture of goods shall not be taken to have commenced unless and until the assembly of the goods, or of part of the goods, has commenced.

**Declarations relating to specification, value or costs**

5 7. (1) Subject to sub-section (2), the Minister may, by notice in writing published in the *Gazette*, declare that this Act is to have effect as if there were substituted for a specified variable provision, or a specified part of a specified variable provision, a provision, or part of a provision, as the case may be, set out in the notice.

(2) The Minister shall not make a declaration under sub-section (1) that would result in this Act having effect as if there were a change to sub-section 16 (1).

10 (3) The Minister may, by notice in writing published in the *Gazette*, revoke or amend a declaration in force under sub-section (1).

15 (4) A declaration under sub-section (1) or the revocation or amendment of such a declaration has effect from and including such day (which may be a day earlier than the publication in the *Gazette* of the notice containing the declaration, revocation or amendment) as is specified in the notice.

20 (5) Where, but for this sub-section, a declaration under sub-section (1) or the revocation or amendment of such a declaration would result in the amount of the bounty payable in respect of the manufacture or modification of particular bountiable equipment the manufacture or modification, as the case may be, of which was commenced before the day on which the notice containing the declaration, revocation or amendment was published in the *Gazette* being reduced, that declaration, revocation or amendment does not apply in relation to that particular bountiable equipment.

25 (6) Where, but for this sub-section, a declaration under sub-section (1) or the revocation or amendment of such a declaration would result in bounty ceasing to be payable in respect of the manufacture or modification of particular bountiable equipment the manufacture or modification, as the case may be, of which was commenced before the day on which the notice containing the declaration, revocation or amendment was published in the *Gazette*, that declaration, revocation or amendment does not apply in relation to that particular bountiable equipment.

30 (7) The provisions of sections 48 (other than paragraphs (1) (a) and (b) and sub-section (2) ), 49, 49A and 50 of the *Acts Interpretation Act 1901* apply in relation to notices under this section as if in those provisions references to regulations were references to notices, references to a regulation were references to a notice and references to a repeal were a reference to a revocation.

40 (8) For the purposes of this section, the manufacture of goods shall not be taken to have commenced unless and until the assembly of the goods, or of part of the goods, has commenced.

**Declarations of percentages**

8. (1) The Minister may, by notice in writing published in the *Gazette*,

declare a percentage specified in the notice to be prescribed percentage 1 for the purposes of section 17.

(2) The Minister may, by notice in writing published in the *Gazette*, declare a percentage specified in the notice to be prescribed percentage 2 for the purposes of section 17. 5

(3) The Minister may, by notice in writing published in the *Gazette*, declare a percentage specified in the notice to be prescribed percentage 3 for the purposes of section 17.

(4) The Minister may, by notice in writing published in the *Gazette*, declare a percentage specified in the notice to be prescribed percentage 4 for the purposes of section 17. 10

(5) The Minister may, by notice in writing published in the *Gazette*, revoke a declaration in force under sub-section (1), (2), (3) or (4).

(6) A declaration under sub-section (1), (2), (3) or (4) or the revocation of such a declaration has effect from and including such day (which may be a day earlier than the publication in the *Gazette* of the notice containing the declaration or revocation) as is specified in the notice. 15

(7) Where, but for this sub-section, a declaration under sub-section (1), (2), (3) or (4) or the revocation of such a declaration would result in the amount of the bounty payable under section 16 in respect of the manufacture or modification of particular bountiable equipment the manufacture or modification, as the case may be, of which was commenced before the day on which the notice containing the declaration or revocation was published in the *Gazette* being reduced, that declaration or revocation does not apply in relation to that bounty. 20 25

(8) The provisions of sections 48 (other than paragraphs (1) (a) and (b) and sub-section (2)), 49, 49A and 50 of the *Acts Interpretation Act 1901* apply in relation to notices under this section as if in those provisions references to regulations were references to notices, references to a regulation were references to a notice and references to a repeal were a reference to a revocation. 30

(9) For the purposes of this section, the manufacture of goods shall not be taken to have commenced unless and until the assembly of the goods, or of part of the goods, has commenced. 35

**Industries Assistance Commission Act**

9. Sub-section 23 (3) of the *Industries Assistance Commission Act 1973* does not prevent the Minister taking any action that he or she is authorised to take under this Act.

**Value added—manufacture 40**

10. (1) For the purposes of this Act, the value added to bountiable equipment A by a manufacturer of the equipment in the course of the



manufacture of the equipment shall be deemed to be an amount ascertained in accordance with the formula—

$$A - (B + C + D + E),$$

where—

- 5     **A** is the factory cost incurred by the manufacturer—
- (a) in carrying out a process or processes in the manufacture of the equipment; or
  - (b) in preparing for, or arranging, the carrying out by another manufacturer of the equipment of a process or processes in the manufacture of the equipment;
- 10     **B** is the cost (included in that factory cost) of parts and materials delivered into the store of the manufacturer, being parts and materials supplied to the manufacturer for use in the manufacture or packaging of the equipment;
- 15     **C** is the cost (included in that factory cost) of any process carried out, or any production service provided by—
- (a) the manufacturer, or a person employed by the manufacturer, otherwise than at premises registered under section 28 in the name of the manufacturer; or
  - (b) a person other than—
    - (i) the manufacturer; or
    - (ii) a person employed by the manufacturer,not being a production service carried out in Australia by or on behalf of the manufacturer;
- 25     **D** is interest (included in that factory cost) on money borrowed from another person for the purpose of financing research or development other than research and development carried out in Australia by or on behalf of the manufacturer;
- E** is such costs (if any) as are prescribed.
- 30     (2) For the purposes of this Act, where bountiable equipment A (in this sub-section referred to as the “relevant equipment”) is manufactured from other bountiable equipment A or from goods in respect of which bounty under this Act or another Act has, or will become payable—
- (a) the value added to the relevant equipment by a manufacturer of the relevant equipment in the course of the manufacture of the relevant equipment does not include any value added by the manufacturer to the other equipment or goods; and
  - (b) the factory cost incurred by a manufacturer of the relevant equipment in the course of the manufacture of the relevant equipment does not include any factory cost incurred by the manufacturer in respect of the other equipment or goods.
- 40     (3) For the purposes of this Act, where bountiable equipment A is retrofit manufactured—

- (a) the value added to that equipment by the manufacturer of that equipment in the course of the retrofit manufacture of that equipment does not include any value added by that manufacturer to the equipment from which the first-mentioned equipment was retrofit manufactured; and 5
- (b) the factory cost incurred by a manufacturer of the first-mentioned equipment in the course of the retrofit manufacture of that first-mentioned equipment does not include any factory cost incurred by that manufacturer in the manufacture of the equipment from which the first-mentioned equipment was retrofit manufactured. 10

**Value added—modification**

11. (1) For the purposes of this Act, the value added to bountiable equipment B by a modifier of the equipment in the course of the modification of the equipment shall be deemed to be an amount ascertained in accordance with the formula— 15

$$F - (G + H + I + J),$$

where—

- F is the factory cost incurred by the modifier—
  - (a) in carrying out a process or processes in the modification of the equipment; or 20
  - (b) in preparing for, or arranging, the carrying out by another modifier of the equipment of a process or processes in the modification of the equipment;
- G is the cost (included in that factory cost) of parts and materials delivered into the store of the modifier, being parts and materials supplied to the modifier for use in the modification or packaging of the equipment; 25
- H is the cost (included in that factory cost) of any process carried out, or any production service provided by— 30
  - (a) the modifier, or a person employed by the modifier, otherwise than at premises registered under section 28 in the name of the modifier; or
  - (b) a person other than—
    - (i) the modifier; or 35
    - (ii) a person employed by the modifier, not being a production service carried out in Australia by or on behalf of the modifier;
- I is interest (included in that factory cost) on money borrowed from another person for the purpose of financing research or development other than research and development carried out in Australia by or on behalf of the modifier; 40
- J is such costs (if any) as are prescribed.

(2) For the purposes of this Act, where bountiable equipment B is modified— 45

- (a) the value added to the equipment by a modifier of the equipment in the course of the modification of the equipment does not include any value added by the modifier to the equipment before the modification; and
- 5 (b) the factory cost incurred by a modifier in the course of the modification of the equipment does not include any factory cost incurred by the modifier in respect of the equipment before the modification.

**Factory cost**

10 **12. (1)** For the purposes of this Act, the factory cost incurred by a producer in the course of the manufacture of bountiable equipment A or the modification of bountiable equipment B includes—

- 15 (a) overhead charges (including rent, hire or leasing costs in relation to factory buildings, plant or equipment) apportioned on the basis of a full accounting period of the producer; and
- (b) other costs incurred by the producer in connection with the manufacture or modification, as the case may be, and packaging of the equipment including—
  - 20 (i) salaries, wages and other remunerations;
  - (ii) costs of parts and materials (including the cost of wastage) delivered into the store of the producer; and
  - (iii) the cost of any process carried out, or any production service provided, by the producer or another person.

25 **(2)** For the purposes of this Act, where, in an accounting period of a producer who is a manufacturer of bountiable equipment A, the producer—

- (a) meets expenditure on research and development; or
- (b) incurs design, system engineering, software or testing costs,

30 in respect of bountiable equipment A of a kind that is, or is likely to be, manufactured in Australia, by the producer, the factory cost incurred by the producer in that period in connection with the process or processes in the manufacture of bountiable equipment A carried out at registered premises shall include that expenditure or those costs, as the case may be, but no other factory costs shall include that expenditure or those costs, as the case may be.

35 **(3)** For the purposes of this Act, where, in an accounting period of a producer who is a modifier of bountiable equipment B, the producer—

- (a) meets expenditure on research; or
- (b) incurs design, system engineering, software or testing costs,

40 in respect of bountiable equipment B of a kind that is, or is likely to be, modified in Australia by the producer, the factory cost incurred by the producer in that period in connection with the process or processes in the modification of bountiable equipment B carried out at registered premises shall include that expenditure or those costs, as the case may be, but no

other factory costs shall include that expenditure or those costs, as the case may be.

(4) For the purposes of this Act, where, in an accounting period of a producer who is a manufacturer of bountiable equipment A, the producer receives from the Commonwealth, from a State, from a Territory or from an authority of the Commonwealth, of a State or of a Territory, a grant in respect of the manufacture of, of research relating to the manufacture of, or of development relating to the manufacture of, bountiable equipment A of a particular kind, the factory cost incurred by the producer in that period in connection with the process or processes in the manufacture of bountiable equipment A of that kind carried out at registered premises shall be reduced by the amount of that grant. 5 10

(5) For the purposes of this Act, where, in an accounting period of a producer who is a modifier of bountiable equipment B, the producer receives from the Commonwealth, from a State, from a Territory or from an authority of the Commonwealth, of a State or of a Territory, a grant in respect of the modification of, of research relating to the modification of, or of development relating to the modification of, bountiable equipment B of a particular kind, the factory cost incurred by the producer in that period in connection with the process or processes in the modification of bountiable equipment B of that kind carried out at registered premises shall be reduced by the amount of that grant. 15 20

(6) For the purposes of this Act, the factory cost incurred by a producer in connection with processes in the manufacture of bountiable equipment A or in the modification of bountiable equipment B does not include— 25

- (a) costs of general administration (other than factory administration), including, where the producer is a body corporate, corporate expenses; 30
- (b) selling and service charges; 30
- (c) sales tax in respect of completed equipment or equipment that has been modified, as the case may be;
- (d) tax on income, other than tax on income deducted in respect of the wages, salaries or other remuneration of employees;
- (e) costs incurred after the completion of the manufacture or modification, as the case may be, of the equipment, other than costs of, or relating to, the testing or packaging of the equipment at registered premises; 35
- (f) without limiting paragraph (e), the commissioning and installation of completed equipment or equipment that has been modified, as the case may be, for the intended user of the equipment, whether or not the user is the producer; 40
- (g) the value of perquisites provided to employees of the producer (including, where the producer is a body corporate, staff of that body corporate) that does not form part of their taxable income; 45
- (h) profit;

- (j) bonuses paid out of profits;
- (k) costs charged or levied on the producer by an associate of the producer that are not costs actually incurred by the associate;
- 5 (m) interest, other than interest on money borrowed from another person for the purpose of financing—
  - (i) bought-in material and stock;
  - (ii) work in progress;
  - (iii) research and development; or
  - 10 (iv) the purchase of production plant, production equipment, or factory buildings, owned by the producer;
- (n) depreciation of buildings, other than depreciation at a rate of 4% per annum, or, if another rate is prescribed, that other rate, on the historic cost of factory buildings owned by the producer;
- 15 (p) depreciation of machinery, plant or equipment other than depreciation of machinery, plant or equipment, owned by the producer that is depreciation allowed by the Commissioner of Taxation for the purposes of a law of the Commonwealth relating to taxation;
- 20 (q) losses incurred on the sale or other disposal of buildings, machinery, plant or equipment;
- (r) long service leave, other than provision for such leave;
- (s) severance pay, other than severance pay in relation to service during a period that is within the bounty period and during which the producer was a manufacturer of bountiable equipment A or a modifier of bountiable equipment B, as the case may be;
- 25 (t) freight, and costs relating to vehicles, incurred in respect of the delivery of completed equipment or equipment that has been modified, as the case may be;
- (u) royalties;
- 30 (w) the cost of the right to use a patent, manufacturing design or process including software;
- (x) the cost of superannuation and similar schemes, other than such cost allowed by the Commissioner of Taxation for the purposes of a law of the Commonwealth relating to Taxation;
- 35 (y) workers' compensation, other than insurance premiums for such compensation;
- (z) the cost to acquire, recondition or repair any used machine, components, parts or materials that form part of the equipment;
- 40 (za) the cost of any parts or materials on which bounty has been paid or is to become payable to the manufacturer under the *Bounty (Computers) Act 1984* or the *Bounty (Metal-working Machine Tools) Act 1978*;
- (zb) the cost of tooling that is a part or an accessory for bountiable equipment; and

(zc) such costs (if any) as are prescribed.

**Determination of factory cost, &c.**

13. (1) Where, in relation to a claim for bounty or to a return in accordance with section 24 or otherwise for the purposes of this Act, the Comptroller-General— 5

- (a) is unable to verify the factory cost incurred by a producer in respect of bountiable equipment; or
- (b) forms the opinion that, having regard to sound accounting principles, costs included in the factory cost incurred by a producer in respect of bountiable equipment— 10
  - (i) are incorrect or overestimated;
  - (ii) are higher than would have been the case if the producer had not marginally costed or similarly disproportionately costed the production of goods in respect of which bounty is not payable; 15
  - (iii) have been fixed in order to obtain an increase in bounty;
  - (iv) are unduly higher than similar costs incurred by other producers of similar equipment;
  - (v) have been increased as the result of the influence of a relationship between the producer and an associate of the producer; or 20
  - (vi) are higher than would have been the case if the producer had provided services that were provided, and charged for, by an associate of the producer, 25

the Comptroller-General may, by instrument in writing signed by him or her, determine, for the purposes of this Act, the factory cost incurred by a producer in respect of the equipment, being the cost that, having regard to all relevant circumstances, the Comptroller-General considers to be appropriate, and that determination shall have effect accordingly. 30

(2) Where, in relation to a claim for bounty or to a return in accordance with section 24 or otherwise for the purposes of this Act, the Comptroller-General—

- (a) is unable to verify a cost referred to in section 10, 11 or 12 in respect of bountiable equipment; or 35
- (b) forms the opinion that, having regard to sound accounting principles, such a cost—
  - (i) is incorrect or underestimated;
  - (ii) is lower than would have been the case if the relevant producer had not marginally costed or similarly disproportionately costed the production of goods in respect of which bounty is not payable; 40
  - (iii) has been fixed in order to obtain an increase in bounty;
  - (iv) is unduly lower than a similar cost incurred by other producers of similar equipment; 45

(v) has been reduced as the result of the influence of a relationship between the producer and an associate of the producer; or

(vi) is lower than would have been the case if the producer had provided services that were provided, and charged for, by an associate of the producer,

the Comptroller-General may, by instrument in writing signed by him or her, determine that cost for the purposes of this Act, being the cost that, having regard to all relevant circumstances, the Comptroller-General considers to be appropriate, and that determination shall have effect accordingly.

(3) When making a determination under sub-section (1) or (2) in relation to a bountiable equipment A or bountiable equipment B, the Comptroller-General may, if he or she considers it appropriate, disregard any costs charged to, or levied on, the manufacturer of the bountiable equipment A or the modifier of the bountiable equipment B, as the case may be, by an associate of the manufacturer or modifier, as the case may be, other than costs actually incurred by the associate.

#### **Accounting period**

14. For the purposes of this Act, an accounting period of a manufacturer of bountiable equipment is—

(a) where the manufacturer has an accounting year that relates to the equipment (not being an accounting year that is longer or shorter than 12 months)—that accounting year; or

(b) in any other case—a financial year.

#### **Uniformity**

15. A power conferred on the Governor-General, the Minister or the Comptroller-General by this Act shall not be exercised in such a manner that bounty under this Act would not be uniform throughout the Commonwealth, within the meaning of paragraph 51 (iii) of the Constitution.

## **PART II—BOUNTY**

#### **Specification of bounty**

16. (1) Bounty is payable in accordance with this Act on the production in Australia of bountiable equipment.

(2) Bounty in respect of the manufacture of bountiable equipment A is payable to the manufacturer, or the manufacturers, of the equipment.

(3) Bounty in respect of the modification of bountiable equipment B is payable to the modifier, or the modifiers, of the equipment.

(4) A manufacturer of bountiable equipment A is not entitled to receive payment of bounty in respect of the manufacture of bountiable equipment A unless—

- (a) all the processes in the manufacture of the equipment carried out in Australia by the manufacturer (if any) were carried out at registered premises;
- (b) the last substantial process in the manufacture of the equipment was carried out at registered premises; 5
- (c) the manufacture of the equipment was completed during the bounty period; and
- (d) the amount that is the value added to the equipment by the manufacturer in the course of the manufacture of the equipment is not less than the amount that is 20% of the factory cost incurred by the manufacturer in respect of the manufacture of the equipment. 10

(5) A manufacturer of bountiable equipment A is not entitled to receive a payment of bounty in respect of—

- (a) the manufacture of equipment that is an independent machine; or
  - (b) the retrofit manufacture of other bountiable equipment A, 15
- unless, during the bounty period, the equipment—
- (c) was sold, or otherwise disposed of, by the manufacturer for use, or used by the manufacturer, in the production, in Australia, of other goods; or
  - (d) was sold, or otherwise disposed of, to the Commonwealth. 20

(6) A manufacturer of bountiable equipment A is not entitled to receive a payment of bounty in respect of the manufacture of bountiable goods AB, unless, during the bounty period, the goods were sold, or otherwise disposed of, by the manufacturer for use by another manufacturer of bountiable equipment A as an original component in other equipment manufactured at registered premises. 25

(7) A manufacturer of bountiable equipment A is not entitled to receive a payment of bounty in respect of the retrofit manufacture of bountiable equipment A unless the amount that is the factory cost incurred by the manufacturer in carrying out a process or processes in the retrofit manufacture of the equipment is not less than \$20,000 or, if another amount is prescribed, that other amount. 30

(8) A modifier of bountiable equipment B is not entitled to receive a payment of bounty in respect of the modification of bountiable equipment B unless— 35

- (a) all the processes in the modification of the equipment carried out in Australia by the modifier (if any) were carried out at registered premises;
- (b) the last substantial process in the modification of the equipment was carried out at registered premises; 40
- (c) the modification of the equipment was completed during the bounty period;
- (d) the amount that is the value added to the equipment by the modifier in the course of the modification is not less than the amount that is 45



20% of the factory cost incurred by the modifier in respect of the modification of the equipment;

(e) during the bounty period, the equipment—

(i) was sold, or otherwise disposed of, by the modifier or a modifier of the equipment for use, or used by the modifier, in the production, in Australia, of other goods; or

(ii) was sold, or otherwise disposed of, to the Commonwealth;

(f) where the modification of the equipment was by way of the conversion of the equipment from equipment that was not designed to form part of a flexible manufacturing system into equipment designed to form part of such a system—during the bounty period, the equipment—

(i) was sold, or otherwise disposed of, by the modifier or a modifier of the equipment for use, or used by the modifier, in Australia, in such a system; or

(ii) was sold, or otherwise disposed of, to the Commonwealth; and

(g) the amount that is the factory cost incurred by the modifier in carrying out the processes in the modification of the equipment is not less than \$20,000 or, if another amount is prescribed for the purposes of this paragraph, that other amount.

(9) Bounty is not payable to the Commonwealth, a State, a Territory or an authority of the Commonwealth, of a State or of a Territory (including an educational institution established by the Commonwealth, a State or a Territory).

(10) Bounty is not payable in respect of any equipment designed to carry out a task on a work piece if the carrying out of that task requires the equipment to be held in the hand of a human being.

(11) Bounty is not payable in respect of equipment on which bounty has become, or will become, payable (whether or not it has been paid) under the *Bounty (Metal-working Machine Tools) Act 1978* or the *Bounty (Computers) Act 1984*.

(12) Where—

(a) by virtue of sub-section 28 (4), the Comptroller-General determines that the registration of premises shall be deemed to have taken effect on and from 1 July 1985; and

(b) on that day, the person who applied for the registration of the premises is the owner of bountiable equipment A, being equipment that—

(i) is a machine-tool within the meaning of the *Bounty (Metal-working Machine Tools) Act 1978* on which bounty under that Act has not, and will not, become payable; or

(ii) was not manufactured in pursuance of a firm order placed before 30 May 1985,

the equipment shall, for the purposes of this Act, be deemed to have been manufactured by the first-mentioned person at the registered premises on 1 July 1985.

(13) Where—

- (a) by virtue of sub-section 28 (4), the Comptroller-General determines that the registration of premises shall be deemed to have taken effect on and from 1 July 1985; and 5
- (b) on that day, the person who applied for the registration of the premises is the owner of partly manufactured bountiable equipment A, being equipment that— 10
  - (i) when completed, will be a machine-tool within the meaning of the *Bounty (Metal-working Machine Tools) Act 1978* on which bounty under that Act will not become payable; or
  - (ii) is not being manufactured in pursuance of a firm order placed before 30 May 1985, 15

the manufacture of that equipment shall, for the purposes of this Act, be deemed to have been commenced on 1 July 1985.

**Amount of bounty**

17. (1) The bounty payable to a manufacturer of bountiable equipment A in respect of the normal manufacture of bountiable equipment AA is— 20

- (a) where the manufacture of the equipment is completed before 1 July 1986—an amount equal to prescribed percentage 1 of the value added to the equipment by the manufacturer in the course of the normal manufacture of the equipment; or
- (b) where the manufacture of the equipment is completed on or after 1 July 1986—an amount equal to prescribed percentage 2 of the value added to the equipment by the manufacturer in the course of the normal manufacture of the equipment. 25

(2) The bounty payable to a manufacturer of bountiable equipment A in respect of the retrofit manufacture of bountiable equipment that is— 30

- (a) a computer controlled machine;
- (b) a numerically controlled machine;
- (c) a robotic machine;
- (d) a machine included in a class of machines in respect of which a declaration under sub-section 6 (4) is in force; or 35
- (e) an independent machine,

is—

- (f) where a condition specified in sub-section 16 (5) is satisfied in relation to the equipment on a day before 1 July 1986—an amount equal to prescribed percentage 3 of the value added to the equipment by the manufacturer in the course of the retrofit manufacture of the equipment; or 40

- (g) where such a condition is satisfied in relation to the equipment on a day on or after 1 July 1986—an amount equal to prescribed 45

percentage 4 of the value added to the equipment by the manufacturer in the course of manufacture of the equipment.

(3) The bounty payable to a manufacturer of bountiable equipment A in respect of the manufacture of bountiable equipment AB is—

5 (a) where a condition specified—

(i) in the case of equipment that is an independent machine—  
in sub-section 16 (5); or

10 (ii) in the case of bountiable goods AB—in sub-section 16 (6),  
is satisfied in relation to the equipment on a day before 1 July  
1986—an amount equal to prescribed percentage 3 of the value  
added to the equipment by the manufacturer in the course of the  
manufacture of the equipment; or

(b) where a condition specified—

15 (i) in the case of equipment that is an independent machine—  
in sub-section 16 (5); or

20 (ii) in the case of bountiable goods AB—in sub-section 16 (6),  
is satisfied in relation to the equipment on a day on or after 1 July  
1986—an amount equal to prescribed percentage 4 of the value  
added to the equipment by the manufacturer in the course of  
manufacture of the equipment.

(4) The bounty payable to a modifier of bountiable equipment B in respect of the modification of bountiable equipment B is—

25 (a) where a condition specified in paragraph 16 (8) (e) or (f) is satisfied  
in relation to the equipment on a day before 1 July 1986—an  
amount equal to prescribed percentage 3 of the value added to the  
equipment by the modifier in the course of the modification of the  
equipment; or

30 (b) where such a condition is satisfied in relation to the equipment on  
a day on or after 1 July 1986—an amount equal to prescribed  
percentage 4 of the value added to the equipment by the modifier  
in the course of the modification of the equipment.

(5) In this section—

35 “prescribed percentage 1” means 40% or, if a declaration under sub-  
section 8 (1) is in force, the percentage specified in that declaration;

“prescribed percentage 2” means 35% or, if a declaration under sub-  
section 8 (2) is in force, the percentage specified in that declaration;

“prescribed percentage 3” means 30% or, if a declaration under sub-  
section 8 (3) is in force, the percentage specified in that declaration;

40 “prescribed percentage 4” means 25% or, if a declaration under sub-  
section 8 (4) is in force, the percentage specified in that declaration.

#### **Availability of bounty**

18. (1) Notwithstanding any other provision of this Act, if the Comptroller-General is of the opinion that the amount available in a

financial year for payment of bounty will be insufficient to meet all valid claims for bounty payable in that year, the Comptroller-General may, subject to the regulations—

- (a) defer the making of such payments of bounty as the Comptroller-General considers appropriate; and 5
- (b) make payments of bounty in such order as the Comptroller-General considers appropriate.

(2) Notwithstanding any other provision of this Act, if money is not appropriated by the Parliament for the purpose of the payment of bounty in a financial year, a person is not entitled to be paid bounty in that year. 10

**Good quality of bountiable equipment**

19. Bounty is not payable in respect of bountiable equipment if the Comptroller-General declares in writing that, in his or her opinion, the equipment is not of good and merchantable quality. 15

**PART III—PAYMENT OF BOUNTY**

**Advances on account of bounty**

20. (1) An advance on account of bounty may be made to a person on such terms and conditions as are approved by the Comptroller-General in writing. 20

(2) If a person receives, by way of advances on account of bounty in respect of particular bountiable goods, an amount that exceeds the amount of bounty payable to the person in respect of those goods, the person is liable to repay to the Commonwealth the amount of the excess.

(3) If a person receives an amount by way of advances on account of bounty that may become payable to the person and the bounty does not become payable to the person, the person is liable to repay to the Commonwealth the amount so received. 25

(4) If, at the expiration of an accounting period of a producer, the producer has received, by way of advances on account of bounty that may become payable to the producer during that period in respect of bountiable equipment, an amount that exceeds the sum of— 30

- (a) the amount of bounty that became payable to the producer during that period in respect of bountiable equipment; and
- (b) the amount or amounts (if any) paid to the producer during that period in respect of bountiable equipment that the producer is liable to repay to the Commonwealth by virtue of sub-section (2) or (3), 35

the producer is liable to repay to the Commonwealth the amount of the excess.

**Claims for payment of bounty** 40

21. (1) A person who claims to be entitled to be paid an amount of

bounty in respect of bountiable equipment may lodge a claim for payment to the person of the amount.

(2) A claim under sub-section (1) in respect of bountiable equipment shall—

- 5 (a) be in accordance with the appropriate approved form;
- (b) include such information as is, and such estimates as are, required by the form;
- (c) be signed and witnessed as required by the form; and
- 10 (d) be lodged with a Collector for a State or Territory, or with the Comptroller-General, within 12 months after the day on which the condition specified in sub-section 16 (5) or (6) or paragraph 16 (8) (e) or (f), as the case requires, was complied with in respect of the bountiable equipment.

15 (3) As soon as practicable after the lodgment of the claim, the Comptroller-General shall, after examining the claim and causing such inquiries as the Comptroller-General considers necessary to be made (including inquiries under sections 32 and 33)—

- 20 (a) if the Comptroller-General is satisfied that the claim complies with sub-section (2) and that the claimant is, or, if certain estimates are correct, is, otherwise entitled to be paid an amount of bounty in respect of bountiable equipment to which the claim relates—approve, in writing, payment of the amount; or
- 25 (b) if the Comptroller-General is not so satisfied—refuse, in writing, to approve payment of bounty in respect of the equipment to which the claim relates.

(4) Where the Comptroller-General makes a decision under sub-section (3) in relation to a claim approving, or refusing to approve, payment of bounty, not being a decision made within 30 days after the lodging of the claim and approving payment of the amount of bounty claimed, the

30 Comptroller-General shall cause to be served on the person who lodged the claim, a notice in writing setting out the decision.

#### **Variation of inadequate claims**

35 **22.** (1) Where a person who has lodged a claim under section 21 (whether or not the claim has been dealt with under sub-section 21 (3)) considers that the claim was, by reason of an inadvertent error, a claim for an amount of bounty in respect of bountiable equipment that was less than the amount of bounty that the person was entitled to claim in respect of that equipment, the person may lodge a claim for payment to the person of the difference between the 2 amounts.

40 (2) A claim under sub-section (1) in respect of bountiable equipment shall—

- (a) be in accordance with the appropriate approved form;

- (b) include such information as is, and such estimates as are, required by the form;
- (c) be signed and witnessed as required by the form; and
- (d) be lodged with a Collector for a State or Territory, or with the Comptroller-General, within 12 months after the day on which the condition specified in sub-section 16 (5) or (6) or paragraph 16 (8) (e) or (f), as the case requires, was complied with in respect of the bountiable equipment. 5

(3) Where a claim under sub-section (1) relates to a claim under section 21 that has not been dealt with under sub-section 21 (3), the 2 claims shall be dealt with under sub-section 21 (3) as if they were one claim under section 21. 10

(4) As soon as practicable after the lodgment of a claim under sub-section (1) to which sub-section (3) does not apply, the Comptroller-General shall, after examining the claim and causing such inquiries as the Comptroller-General considers necessary to be made (including inquiries under sections 32 and 33)— 15

- (a) if the Comptroller-General is satisfied that the claim complies with sub-section (2) and that the claimant is, or, if certain estimates are correct, is, otherwise entitled to be paid an additional amount of bounty in respect of bountiable equipment to which the claim relates—approve, in writing, payment of the additional amount; or 20
- (b) if the Comptroller-General is not so satisfied—refuse, in writing, to approve payment of an additional amount of bounty in respect of the equipment to which the claim relates. 25

(5) Where the Comptroller-General makes a decision under sub-section (4) in relation to a claim approving, or refusing to approve, payment of an additional amount of bounty, not being a decision made within 30 days after the lodging of the claim and approving payment of the additional amount claimed, the Comptroller-General shall cause to be served on the person who lodged the claim, a notice in writing setting out the decision. 30

**Variation of excessive claims**

23. (1) Where a person who has lodged a claim under section 21 (whether or not the claim has been dealt with under sub-section 21 (3)) becomes aware that the claim is, by reason of an inadvertent error, a claim for an amount of bounty in respect of bountiable equipment that exceeds the amount of bounty that the person was entitled to claim in respect of that equipment by more than \$100, the person shall, within 28 days after discovering the error, lodge an acknowledgement of the error, being an acknowledgement that complies with sub-section (2). 35 40

Penalty for contravention of this sub-section: \$1,000.

(2) An acknowledgement under sub-section (1) in respect of bountiable equipment shall—

- (a) be in accordance with the appropriate approved form;
- (b) include such information as is, and such estimates as are, required by the form;
- (c) be signed and witnessed as required by the form; and
- 5 (d) be lodged with a Collector for a State or Territory or with the Comptroller-General.

10 (3) Where an acknowledgement relates to a claim under section 21 that has not been dealt with under sub-section 21 (3), the claim shall be dealt with under that sub-section as if it had been amended in accordance with the acknowledgement.

15 (4) Where the Comptroller-General, after examining an acknowledgement under sub-section (1) to which sub-section (3) does not apply and causing such inquiries as the Comptroller-General considers necessary to be made (including inquiries under sections 32 and 33), is satisfied that there has been an overpayment of a claim by more than \$100, the Comptroller-General shall cause to be served on the person who lodged the claim a demand for the repayment of the amount of the overpayment, and that person is liable to repay that amount to the Commonwealth.

**Producers to furnish returns of costs**

20 24. (1) A producer shall, within 6 months after the end of each accounting period of the producer that falls, or part of which falls, within the bounty period, furnish a return setting out particulars of the factory cost incurred by the producer in relation to bountiable equipment A manufactured, and bountiable equipment B modified, in that accounting period by the producer.

25 (2) A return under sub-section (1) in respect of bountiable equipment shall—

- (a) be in accordance with the appropriate approved form;
- 30 (b) include such information as is, and such estimates as are, required by the form;
- (c) be signed and witnessed as required by the form; and
- (d) be lodged with a Collector for a State or Territory or with the Comptroller-General.

35 (3) The Comptroller-General may, by notice signed by the Comptroller-General, require a producer who has furnished a return under sub-section (1) to provide, within a period specified in the notice (not being a period of less than one month), a certificate, signed by a qualified accountant approved by the Comptroller-General for the purpose, to the effect that the particulars set out in the return are correct.

40 (4) Without limiting the generality of sub-section (3), the Comptroller-General, in considering whether a producer should be required to furnish a certificate under that sub-section, shall have regard to—

- (a) the extent of the claims for bounty made by the producer in the relevant accounting period of the producer;
- (b) the expense involved in obtaining the certificate; and
- (c) the relativity of those claims with that expense.

(5) The Comptroller-General shall not refuse to approve a qualified accountant for the purposes of sub-section (3) in relation to a producer of bountiable equipment unless the Comptroller-General is satisfied that it is not appropriate to approve the accountant because of an association between the accountant and the producer. 5

(6) A producer shall not refuse or fail to comply with sub-section (1) or (2) to the extent that the producer is capable of complying with it. 10

Penalty for contravention of this sub-section: \$1,000.

(7) A producer shall not, in purported compliance with sub-section (1) or (2), furnish information that is, or estimates that are, to the knowledge of the producer, false or misleading in a material particular. 15

Penalty for contravention of this sub-section: \$1,000 or imprisonment for 6 months, or both.

#### **Adjustment of claims following returns**

25. (1) Where the particulars of factory cost set out in a return under section 24 in relation to an accounting period of a producer show a difference between that cost and the factory cost, or an estimate of factory cost, on which claims for bounty lodged during that period by the producer were based, not being a cost determined under section 12, the producer shall lodge with the return a statement in respect of the difference. 20

Penalty for contravention of this sub-section: \$1,000. 25

(2) The statement shall—

- (a) be in accordance with the appropriate approved form;
- (b) include such information as is required by the form; and
- (c) be signed and witnessed as required by the form.

(3) Where a statement is lodged by a producer in relation to an accounting period of the producer, the Comptroller-General shall, after examining the statement and causing such inquiries as the Comptroller-General considers necessary to be made (including inquiries under sections 32 and 33)— 30

(a) if the Comptroller-General is satisfied that the statement complies with sub-section (2) and that the producer is entitled to be paid an additional amount of bounty in respect of the bountiable equipment for which claims for bounty were lodged during that period— approve, in writing, payment of the additional amount; 35

(b) if the Comptroller-General is satisfied that there has been an overpayment of bounty by more than \$100 in respect of the bountiable equipment for which claims for bounty were lodged 40



during that period—cause to be served on the producer a demand for the repayment of the amount of the overpayment, and the producer is liable to repay that amount to the Commonwealth; or

5 (c) if paragraph (a) or (b) do not apply—decline, in writing, to adjust payments of bounty made in respect of claims lodged by the producer during that period.

(4) Where the Comptroller-General makes a decision under sub-section (3) in relation to a statement under sub-section (1), the Comptroller-  
10 General shall cause to be served on the producer who lodged the statement a notice in writing setting out the decision.

#### **Other adjustments of claims**

26. If the Comptroller-General becomes satisfied, otherwise than after examining—

15 (a) an acknowledgement under sub-section 23 (1); or

(b) a statement under sub-section 25 (1),

that there has been an overpayment of a claim for bounty by more than \$100, the Comptroller-General shall cause to be served on the person who lodged the claim a demand for repayment of the amount of the overpayment,  
20 and that person is liable to repay that amount to the Commonwealth.

#### **Recovery of repayments**

27. (1) Where a person is liable to repay an amount to the Commonwealth under section 20, 23, 25 or 26, the Commonwealth may recover that amount as a debt due to the Commonwealth by action in a  
25 court of competent jurisdiction.

(2) Where a person is liable to repay an amount to the Commonwealth under section 20, 23, 25 or 26, that amount may be deducted from any other amount that is payable to the person under this Act and, where the first-mentioned amount is so deducted, the other amount shall,  
30 notwithstanding the deduction, be deemed to have been paid in full to the person.

### **PART IV—ADMINISTRATION**

#### **Registration of premises**

28. (1) Subject to this section, premises that are used solely or principally  
35 for industrial or commercial purposes may be registered under this section for the purposes of this Act.

(2) An application for the registration of premises under this section may be made to the Comptroller-General, in writing, by a person who carries on, or proposes to carry on, the production of bountiable equipment  
40 at those premises.

(3) Subject to sub-sections (6), (7) and (8), where an application for the registration of premises is made under sub-section (2) by a person who, in the opinion of the Comptroller-General, carries on, or proposes to carry on, the production of bountiable equipment at those premises, the Comptroller-General shall— 5

(a) register those premises in the name of the applicant by signing a notice, in writing, specifying the date on which it was signed and stating that the premises have been so registered and causing that notice to be served, either personally or by post, on the applicant; or 10

(b) refuse to register those premises and cause a notice, in writing, stating that the Comptroller-General has refused to register those premises to be served, either personally or by post, on the applicant.

(4) The registration of premises under this section has effect from the day on which the notice under paragraph (3) (a), in relation to the premises, is signed, or such earlier day, not being a day earlier than 1 July 1985, as is determined by the Comptroller-General and specified in that notice. 15

(5) A notice under sub-section (3) in relation to premises shall specify whether the premises are registered under this section in relation to— 20

(a) all bountiable equipment; or

(b) a specified class, or specified classes, of bountiable equipment,

and may specify a period as the period during which the premises are registered under this section.

(6) The regulations may prescribe conditions to be complied with in connection with the production of bountiable equipment at registered premises. 25

(7) If conditions have been prescribed under sub-section (6), the Comptroller-General shall not register premises under this section unless the Comptroller-General is satisfied that the conditions have been, or will be, complied with in respect of those premises. 30

(8) The Comptroller-General may require an applicant for the registration of premises under this section to furnish such information as the Comptroller-General considers necessary for the purposes of this Act and may refuse to register the premises until the information is furnished to the satisfaction of the Comptroller-General. 35

(9) Where an applicant for the registration of premises under this section was not, on 30 May 1985, engaged in the production of bountiable equipment at those premises, the Comptroller-General shall not register those premises if the Minister has informed the Comptroller-General that the registration of those premises will not permit the orderly development in Australia of the industry that is concerned with the manufacture of bountiable equipment A and the modification of bountiable equipment B. 40

(10) The regulations may prescribe conditions to be met by an applicant for the registration of premises under this section, including, without limiting the generality of the foregoing, the condition requiring the applicant to be a person of a specified kind.

5 (11) If conditions have been prescribed for the purposes of sub-section (10), the Comptroller-General shall not register premises under this section unless—

(a) the Comptroller-General is satisfied that the conditions are, or will be, met by the applicant for the registration of the premises; or

10 (b) registration of the premises is otherwise permitted under the regulations.

(12) Where—

(a) premises are registered under this section; and

15 (b) the person in whose name the premises are so registered and a person who carries on, or proposes to carry on, the production of bountiable equipment at those premises (in this sub-section referred to as the “transferee”) make a joint application in writing to the Comptroller-General for the transfer of the registration of the premises to the name of the transferee,

20 the Comptroller-General shall transfer the registration of those premises to the name of the transferee by causing a notice, in writing, stating that the registration has been so transferred to be served, either personally or by post, on the transferee.

25 (13) If conditions have been prescribed for the purposes of sub-section (10), the Comptroller-General shall not transfer the registration of premises to the name of the transferee unless the Comptroller-General is satisfied that, if the transferee were an applicant for the registration of the premises, the Comptroller-General would be authorised to register the premises in the name of the transferee.

30 (14) A transfer under sub-section (12) has effect from such day as is specified in the notice under that sub-section in relation to the transfer, being a day after the commencement of the bounty period and not earlier than 6 months before the day on which the application for the transfer was made.

(15) Where the Comptroller-General becomes satisfied, at any time, in respect of premises registered under this section—

(a) that the production of bountiable equipment is not being carried on at those premises;

40 (b) in a case where the premises are registered in relation to a class of bountiable equipment—bountiable equipment included in that class of bountiable equipment is not being manufactured at those premises;

(c) that the production of bountiable equipment at those premises is being carried on by a person other than—

- (i) the person in whose name the premises are registered; or
- (ii) a person who has made an application under paragraph (12) (b) in relation to the premises;
- (d) in a case where conditions have been prescribed under sub-section (6) or (10)—that, if the person in whose name the premises are registered was, at that time, an applicant for the registration of the premises, the Comptroller-General would not be authorised to register the premises in the name of the person; or 5
- (e) those premises are not being used solely or principally for industrial or commercial purposes, 10

the Comptroller-General may cancel the registration of those premises by causing a notice, in writing, stating that the registration of those premises has been cancelled to be served, either personally or by post, on—

- (f) the occupier of those premises; and
- (g) if the occupier is not the person in whose name those premises are registered, on the person in whose name the premises are registered. 15

(16) For the purposes of the application of section 29 of the *Acts Interpretation Act 1901* to the service on a person by post of a notice under this section in relation to premises, such a notice posted as a letter addressed to that person at the premises shall be deemed to be properly addressed. 20

### Accounts

29. (1) A person is not entitled to bounty unless—

- (a) the person keeps, in writing in the English language, such accounts, books, documents and other records as correctly record and explain—
  - (i) such particulars relating to the manufacture (including the cost of manufacture) of bountiable equipment A, or the modification (including the cost of modification) of bountiable equipment B, in respect of which bounty is, or may become, payable as are specified by the Comptroller-General in a notice published in the *Gazette*; and 25
  - (ii) such other particulars (if any) in relation to that equipment as are specified by the Comptroller-General by notice in writing served on the person; and 30
- (b) the person retains those accounts, books, documents and other records for at least 3 years after the day on which a claim under sub-section 21 (1) in respect of the equipment concerned was lodged. 35

(2) For the purposes of this section, accounts, books, documents or other records shall be taken to be kept in writing in the English language if they are kept in a form in which they are readily accessible and readily convertible into writing in the English language. 40

### Securities

30. The Comptroller-General may, by notice in writing served on a person to whom bounty could become payable, require the person to give

security, in an amount determined by the Comptroller-General, by bond, guarantee or cash deposit, or by all or any of those methods, for compliance by the person with the provisions of this Act and the regulations, or for the purpose of an undertaking given by the person for the purposes of this Act or the regulations, and, where a person is so required to give security, the person is not entitled to bounty, or an advance on account of bounty, unless the person gives security in accordance with the requirement.

**Appointment of authorised officers**

31. (1) The Comptroller-General may, by writing signed by the Comptroller-General, appoint—

- (a) a specified officer;
- (b) the officer for the time being holding, or performing the duties of, a specified office; or
- (c) officers included in a specified class of officers,

to be an authorised officer, or authorised officers, for the purposes of this Act.

(2) In sub-section (1), “officer” means an officer in the Australian Customs Service.

**Stock-taking and inspection of production and accounts, &c.**

32. (1) For the purposes of this Act, an authorised officer may, at all reasonable times, enter—

- (a) registered premises;
- (b) premises where there is stored bountiable equipment in respect of which bounty has been claimed, or, in the opinion of the authorised officer, is likely to be claimed; or
- (c) premises where there are kept any accounts, books, documents or other records relating to the manufacture of bountiable equipment A (including the cost of manufacture), the modification of bountiable equipment B (including the cost of modification) or storage of bountiable equipment,

and may—

- (d) inspect, or take stock of, any bountiable equipment;
- (e) inspect any process in the manufacture of any bountiable equipment A or in the modification of any bountiable equipment B; and
- (f) inspect the accounts, books, documents and other records relating to the manufacture of bountiable equipment A (including the cost of manufacture) or the modification of bountiable equipment B (including the cost of modification),

and may make and retain copies of, or take and retain extracts from, any such accounts, books, documents and other records.

(2) The occupier or person in charge of registered premises, or of premises referred to in paragraph (1) (b) or (c), shall provide the authorised

officer with all reasonable facilities and assistance for the effective exercise of the powers of the officer under this section.

Penalty: \$1,000.

**Power to require persons to answer questions and produce documents** 5

33. (1) A Collector or an authorised officer may, by notice signed by him or her, require a person whom he or she believes on reasonable grounds to be capable of giving information relevant to the operation of this Act, in relation to the manufacture of bountiable equipment A (including the cost of manufacture) or to the modification of bountiable equipment B (including the cost of modification) to attend before him or her at the time and place specified in the notice and there to answer questions and to produce to him or her such accounts, books, documents and other records in relation to the manufacture of bountiable equipment A (including the cost of manufacture) or to the modification of bountiable equipment B (including the cost of modification), as the case may be, as are referred to in the notice. 10 15

(2) A notice under sub-section (1) requiring a person to produce an account, book, document or record shall set out the effect of sub-section (3).

(3) A person who, in pursuance of a notice under sub-section (1), produces an account, book, document or record kept, made or prepared by another person that, to the knowledge of the first-mentioned person, is false or misleading in a material particular shall, upon so producing the account, book, document or record, give to the person to whom the first-mentioned person is required to produce the account, book, document or record, a statement in writing signed by the first-mentioned person or, in the case of a body corporate, by a competent officer of the body corporate— 20 25

(a) stating that the account, book, document or record is, to the knowledge of the first-mentioned person, false or misleading in a material particular; and 30

(b) setting out, or referring to, the material particular in respect of which the account, book, document or record is, to the knowledge of the first-mentioned person, false or misleading.

Penalty: \$1,000 or imprisonment for 6 months, or both.

(4) A Collector or an authorised officer may make and retain copies of, or take and retain extracts from, any accounts, books, documents or other records produced in pursuance of this section. 35

(5) A person is not excused from answering a question or producing any accounts, books, documents or other records when required so to do under this section on the ground that the answer to the question, or the production of the accounts, books, documents or other records, might tend to incriminate the person or make the person liable to a penalty, but the answer of the person to any such question, or the production by the person of any such account, book, document or other record, is not admissible in evidence 40

against the person in criminal proceedings other than proceedings under, or arising out of or by virtue of, sub-section (3) or paragraph 35 (3) (a).

5 (6) Where a producer, or a person employed by a producer, has failed to attend or to answer a question, or to produce any account, book, document or other record, when required so to do under this section, bounty is not payable to the producer, unless the Comptroller-General otherwise directs in writing, until the producer or that person, as the case may be, has attended, answered the question or produced the account, book, document or other record, as the case may be.

10 **Power to examine on oath, &c.**

34. (1) A Collector or an authorised officer may examine, on oath or affirmation, a person attending before him or her in pursuance of section 33 and, for that purpose, may administer an oath or affirmation to the person.

15 (2) The oath or affirmation to be made by a person for the purposes of sub-section (1) is an oath or affirmation that the answers he or she will give to questions asked of him or her will be true.

**Offences**

35. (1) A person shall not, without reasonable excuse, refuse or fail—

- 20 (a) to attend before a Collector or an authorised officer;  
(b) to take an oath or make an affirmation; or  
(c) to answer a question or produce an account, book, document or other record,

when so required in pursuance of this Act.

Penalty: \$1,000.

25 (2) A person shall not knowingly obtain or attempt to obtain bounty that is not payable.

Penalty: \$2,000 or imprisonment for 12 months, or both.

(3) A person shall not—

- 30 (a) make to an authorised officer or other person exercising a power or performing a function or duty in relation to this Act a statement, either orally or in writing, that is to the knowledge of the person false or misleading in a material particular; or  
35 (b) present (otherwise than in pursuance of sub-section 33 (1) ) to an authorised officer or other person exercising a power or performing a function or duty in relation to this Act an account, book, document or other record that is to the knowledge of the person false or misleading in a material particular.

Penalty: \$1,000 or imprisonment for 6 months, or both.

40 (4) A person shall not be convicted of an offence against or arising out of sub-section (2) and an offence against or arising out of sub-section 23 (1),

or an offence against or arising out of sub-section (2) and an offence against or arising out of sub-section (3), in respect of the same claim for bounty.

(5) A reference in sub-section (4) to a person being convicted of an offence includes a reference to an order being made under section 19B of the *Crimes Act 1914* in relation to a person in respect of an offence. 5

(6) In this section, "bounty" includes an advance.

#### **Time for prosecutions**

36. A prosecution for an offence against this Act may be commenced at any time within 3 years after the commission of the offence. 10

#### **Recovery of bounty on conviction**

37. (1) Where a person is convicted of an offence against sub-section 23 (1) or 35 (2) or (3), the court may, in addition to imposing a penalty under the sub-section, order the person to refund to the Commonwealth the amount of any bounty wrongfully obtained by the person. 15

(2) Where—

(a) a court makes an order under sub-section (1) ordering a person to refund to the Commonwealth the amount of any bounty; and

(b) the court has civil jurisdiction to the extent of the amount,

the order is enforceable in all respects as a final judgment of the court in favour of the Commonwealth. 20

(3) Where—

(a) a court makes an order under sub-section (1) ordering a person to refund to the Commonwealth the amount of any bounty; and

(b) the court— 25

(i) does not have civil jurisdiction; or

(ii) has civil jurisdiction, but does not have civil jurisdiction to the extent of the amount,

the proper officer of the court shall issue to the Comptroller-General a certificate in the prescribed form containing the prescribed particulars. 30

(4) The certificate may, in the prescribed manner and subject to the prescribed conditions (if any), be registered in a court having civil jurisdiction to the extent of the amount ordered to be refunded to the Commonwealth.

(5) Upon registration under sub-section (4), the certificate is enforceable in all respects as a final judgment of the court in favour of the Commonwealth. 35

(6) The costs of registration of the certificate and other proceedings under this section shall, subject to the prescribed conditions (if any), be deemed to be payable under the certificate.

(7) In this section, "bounty" includes an advance. 40



## PART V—MISCELLANEOUS

### Return for Parliament

5 38. (1) The Comptroller-General shall, as soon as practicable after the end of each financial year in which bounty is paid, furnish to the Minister a return setting forth—

- (a) the name and address of each person to whom bounty was paid in that financial year;
- (b) the amount of bounty paid to each person in that financial year; and

10 (c) such other particulars (if any) as are prescribed.

(2) The Minister shall cause a copy of the return to be laid before each House of the Parliament within 15 sitting days of that House after the return is received by the Minister.

(3) In this section, “bounty” includes an advance.

### 15 Delegation

39. (1) The Minister may, either generally or otherwise as provided in the instrument of delegation, by writing signed by him or her, delegate to a person all or any of his or her powers under this Act, other than this power of delegation.

20 (2) A power so delegated, when exercised by the delegate, shall, for the purposes of this Act, be deemed to have been exercised by the Minister.

(3) A delegation under this section does not prevent the exercise of a power by the Minister.

### 25 Application for review

40. (1) Applications may be made to the Administrative Appeals Tribunal for review of—

(a) a declaration by the Comptroller-General for the purposes of section 19;

30 (b) a decision of the Comptroller-General under paragraph 21 (3) (a) approving payment of bounty;

(c) a decision of the Comptroller-General under paragraph 21 (3) (b) refusing to approve payment of bounty;

35 (d) a decision of the Comptroller-General under paragraph 22 (4) (a) approving a payment;

(e) a decision of the Comptroller-General under paragraph 22 (4) (b) refusing to approve a payment;

(f) a decision of the Comptroller-General for the purposes of sub-section 23 (4);

40 (g) a decision of the Comptroller-General under paragraph 25 (3) (a) approving a payment;

- (h) a decision of the Comptroller-General for the purposes of paragraph 25 (3) (b);
- (j) a decision of the Comptroller-General under paragraph 25 (3) (c) to refuse to adjust payments of bounty;
- (k) a decision of the Comptroller-General for the purposes of section 26; 5
- (m) a decision of the Comptroller-General refusing to register premises (other than a decision made under sub-section 28 (9));
- (n) a decision of the Comptroller-General under section 28 transferring, or refusing to transfer, the registration of premises; 10
- (p) a decision of the Comptroller-General under sub-section 28 (15) cancelling the registration of premises; or
- (q) a requirement by the Comptroller-General under section 30.

(2) Without limiting section 43 of the *Administrative Appeals Tribunal Act 1975*, where the Administrative Appeals Tribunal is reviewing a decision referred to in paragraph (1) (b), (c), (d), (e), (f), (g), (h), (j) or (k) in respect of bountiable equipment, the Tribunal, if it considers it appropriate to do so, may— 15

- (a) if a determination under section 13 has been made in respect of that equipment or of equipment that includes that equipment, either— 20
  - (i) set aside that determination; or
  - (ii) set aside that determination and make a further determination under section 13 in respect of the equipment to which the determination so set aside applied; or 25
- (b) if a determination under section 13 has not been made in respect of the equipment to which the decision applies or of equipment that includes that equipment, make a determination under that section in respect of the equipment to which the decision applies.

(3) In sub-section (1), “decision” has the same meaning as in the *Administrative Appeals Tribunal Act 1975*. 30

**Statement to accompany notice of decisions**

41. (1) Where the Comptroller-General makes a determination, decision or requirement of a kind referred to in sub-section 40 (1) and gives to the person or persons whose interests are affected by the determination, decision or requirement notice in writing of the making of the determination, decision or requirement, that notice shall include a statement to the effect that, subject to the *Administrative Appeals Tribunal Act 1975*, application may be made to the Administrative Appeals Tribunal for review of the determination, decision or requirement to which the notice relates by or on behalf of the person or persons whose interests are affected by the determination, decision or requirement. 35 40

(2) Any failure to comply with the requirements of sub-section (1) in relation to a determination, decision or requirement does not affect the validity of the determination, decision or requirement.

**Money to be appropriated**

5       **42.** Payments of bounty, and of advances, shall be made out of money appropriated by the Parliament for the purpose.

**Transitional**

10       **43.** Sections 32, 33 and 35 do not operate so as to render unlawful anything done, or omitted to be done, before the day on which this Act receives the Royal Assent.

**Regulations**

**44.** The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters—

- 15       (a) permitted by this Act to be prescribed; or  
      (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

**PART VI—AMENDMENT OF BOUNTY (METAL-WORKING MACHINE TOOLS) ACT 1978**

**Principal Act**

20       **45.** The *Bounty (Metal-working Machine Tools) Act 1978*<sup>1</sup> is in this Part referred to as the Principal Act.

**Specification of bounty**

**46.** Section 6 of the Principal Act is amended by adding at the end the following sub-section:

- 25       “(6) Where—  
      (a) a bountiable machine tool is bountiable equipment A within the meaning of the *Bounty (Metal Working Machines and Robots) Act 1985*;  
      (b) the manufacture of the tool—  
30           (i) was commenced before 1 July 1985; and  
          (ii) was completed on or after that day; and  
      (c) the manufacture of the tool was not undertaken in pursuance of a firm order placed before that day,  
35       the manufacturer of the tool is not entitled to receive a payment of bounty under this Act in respect of the tool.”.

**NOTE**

1. No. 154, 1978, as amended. For previous amendments, see No. 61, 1981; No. 26, 1982; and No. 39, 1985.







